

[10121/02101]

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Damarati
Serial No. : 10/045,975
Filing Date : January 10, 2002
For : Method and Device for Endoscopic Suturing
Group Art Unit : 3731
Examiner : Darwin P. Erez

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**PETITION FOR REVIVAL OF UNINTENTIONALLY
ABANDONED APPLICATION**

This Petition is in response to a Notice of Abandonment mailed on December 1, 2005. The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the USPTO. The date of abandonment is the day after the expiration of the period set for reply to the Office Action, plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

The entire delay in filing the required reply, from the due date for the required reply to the filing of a grantable petition under 37 C.F.R. § 1.137(b), was **unintentional**. In addition, the undersigned disputes a statement made by the Examiner in the Notice. In particular, the Examiner stated in the Notice that the Examiner has "verified with applicant's representative, Mr. Kaplun, on 11/22/05 that the application is to be abandoned." Although, the undersigned in fact spoke to the Examiner, the undersigned never stated or "verified" that the application is to be "abandoned." Instead, the undersigned simply indicated that the Notice of Appeal was inadvertently not timely filed. Furthermore, the undersigned explained several times the reasons

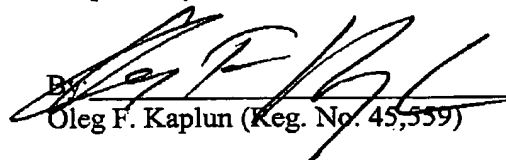
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why the Notice of Appeal was not timely filed and that the statements made by the Examiner regarding this abandonment were incorrect. In particular, the Examiner who issued three (3) Advisory Actions indicated that the application would be allowed if claims were amended to deal with certain 112, second paragraph, rejections. Although the claims were in fact amended, as requested by the Examiner, the Examiner maintained the 112, second paragraph, rejections and no Notice of Allowance was issued. It was this misunderstanding which lead to the abandonment. At no time did any one indicate to the Examiner that this application was to be abandonment.

Thus, it is respectfully submitted that at no point was this application intentionally abandonment. The entire delay in filing the required reply from the due to the date of the filing of this petition was unintentional. A favorable decision on this petition is respectfully requested.

Dated: December 23, 2005

Respectfully submitted,


By: Oleg F. Kaplun (Reg. No. 45,559)

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